

Order

Michigan Supreme Court
Lansing, Michigan

March 23, 2011

Robert P. Young, Jr.,
Chief Justice

142323

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellant,

v

SC: 142323
COA: 292469
Wayne CC: 08-014196-FH

JOSEPH ALEXANDER FRANKLIN,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the November 16, 2010 judgment of the Court of Appeals is considered, and it is GRANTED. The parties shall include among the issues to be briefed: (1) whether the trial court was required to give the defendant the opportunity to affirm his guilty plea to second-degree home invasion when the court indicated that it was unable to impose the sentence stated by the court at the plea hearing; (2) whether the question of the defendant's right to affirm his guilty plea should be evaluated under MCR 6.310(B)(2)(a) or MCR 6.310(B)(2)(b); (3) whether this Court's decision in *People v Grove*, 455 Mich 439 (1997), has been superseded by the language of MCR 6.310(B); and (4) whether, even if the defendant had the right to affirm his guilty plea, he waived that right by failing to object when the trial court vacated his plea and scheduled a trial.

The Criminal Defense Attorneys of Michigan and the Prosecuting Attorneys Association of Michigan are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 23, 2011

Corbin R. Davis

Clerk